

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re)	
)	
LAURA SHABNAM JAVAD,)	
)	Case No. 25-10509-KHK
)	
Debtor.)	Chapter 7
)	
CHARLES E. BENNETT and)	
MARY BENNETT,)	
)	
Movants,)	
)	
v.)	
)	
LAURA SHABNAM JAVAD,)	
)	
and)	
)	
DONALD F. KING, Trustee)	
)	
Respondents.)	
)	

MOTION FOR RELIEF FROM STAY
AND NOTICE OF HEARING THEREON

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST:

- FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS FOURTEEN (14) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER

Daniel M. Press, VSB# 37123
Chung & Press, P.C.
6718 Whittier Ave., Suite 200
McLean, VA 22101
(703) 734-3800
dpress@chung-press.com
Counsel for Movants

NOTICE OR HEARING. IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE FOURTEEN (14) DAY PERIOD.

• ATTEND THE HEARING SCHEDULED TO BE HELD ON April 17, 2025, AT 11:00 AM IN THE U. S. BANKRUPTCY COURT, ALEXANDRIA DIVISION 200 SOUTH WASHINGTON STREET, ALEXANDRIA, VIRGINIA, COURTROOM # 3, 3rd FLOOR.

COME NOW CHARLES E. BENNETT and MARY BENNETT (hereinafter "Movants"), by and through the undersigned counsel, and hereby move the Court for relief from the automatic stay and in support thereof represent unto the Court:

1. The Debtor filed a Petition under Chapter 7 of the Bankruptcy Code on March 14, 2025. Donald F. King was thereupon appointed as Chapter 7 Trustee.

2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. Section 1334, 11 U.S.C. Section 362(a), and 28 U.S.C. Section 157.

3. Debtor LAURA SHABNAM JAVAD, is a tenant under a residential lease for property located at 1645 International Drive, Apartment 312, McLean (Fairfax County) VA 22102 (the "Property"). A copy of the Lease is attached hereto as Exhibit A (the "Lease").

4. Movants are the owners of the Property and Landlord under the Lease.

5. The monthly rent under the Lease is presently \$2350. The rent was in arrears through December 2024 in the amount of \$4700. Through the petition date in March 2025, the arrears are \$11,750, plus late fees, costs and attorneys' fees, and utility charges that have not yet been liquidated. No payments have been made since. \$2350 more in rent will accrue postpetition on April 1.

6. On or about December 16, 2024, Movants issued a Notice to Pay to the Debtor/Tenant under the lease (Exhibit B), and no cure having been made, filed an Unlawful Detainer suit against Tenant/Debtor on December 30, 2024 (Exhibit C).

7. At trial on March 14, 2025, the General District Court awarded possession to Movants, but before the order could be entered, Debtor filed the instant bankruptcy case. While Debtor filed an “Initial Statement About an Eviction Judgment Against You” that stated that Movants have obtained a judgment and that a deposit of rent was made with the Clerk, it does not appear that such a deposit was actually made, but it is also not clear that a judgment had been entered pre-petition. Accordingly, whether the automatic stay is in effect is unclear.

8. Based on the substantial default, the Movants will continue to suffer irreparable injury, loss and damage if not permitted to obtain possession of the Property; otherwise, Movants are without adequate protection. As such, cause exists for granting relief from the automatic stay to the extent it remains in effect.

WHEREFORE, Movants pray that they be granted relief from the automatic stay, or a ruling that the stay has terminated or is not in effect, with regard to the said Lease and Property in order to pursue their rights pursuant to the terms of the Lease and Virginia law, to include the institution or continuation of Unlawful Detainer proceedings and all other steps necessary to obtain possession of the Property.

Dated: March 27, 2025.

Respectfully submitted,

/s/Daniel M. Press
Daniel M. Press, VSB# 37123
CHUNG & PRESS, P.C.
6718 Whittier Avenue, Suite 200
McLean, Virginia 22101
(703) 734-3800
dpress@chung-press.com
Counsel for Movants

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2025, I caused a copy of the forgoing Motion to be served by CM/ECF upon the U.S. Trustee, the Chapter 7 Trustee and all persons requesting such notice; and by first class mail, postage prepaid, upon the Respondents, addressed as follows:

Laura Shabnam Javad
1645 International Drive.
Apt 312
McLean, Va 22102

Donald F. King, Trustee
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

/s/Daniel M. Press
Daniel M. Press